

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ELDON N. WATSON, III	)	
	)	
Plaintiff,	)	Civil Action No. 05-0212
	)	
v.	)	Judge Conti
	)	Magistrate Judge Caiazza
DR. LAWRENCE CONNELLY,	)	In Re: Doc. 14
Individually, and as	)	
Superintendent of the	)	
Mercer Area School District;	)	
DR. MICHELLE RHULE,	)	
Individually,	)	
and as Principal of the	)	
Mercer Area Elementary	)	
School; and MERCER AREA	)	
SCHOOL DISTRICT	)	

**MEMORANDUM ORDER**

On February 23, 2005 this case was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On October 27, 2005, the magistrate judge issued a Report and Recommendation (Doc.18) recommending that the District Court grant in part and deny in part the defendants' motion to dismiss the amended complaint (Doc. 14). It was recommended that the following claims be dismissed with prejudice: Counts I and IV of the complaint insofar as they pertain to defendants Rhule and Connelly; all claims in each count of the complaint made against Rhule and Connelly in their official capacities; and all claims for punitive damages under the PHRA as set forth in Counts II, III, and IV of the complaint. The magistrate judge recommended

that the defendants' motion to dismiss all remaining claims be denied. Service of the Report and Recommendation was made on all parties and no objections have been filed. After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 25th day of November, 2005, IT IS HEREBY ORDERED that the Defendants' motion to dismiss the amended complaint in this matter is granted in part and denied in part as more fully described above.

The Report and Recommendation of Magistrate Judge Caiazza dated October 27, 2005 is hereby adopted as the opinion of the court.

/s/ Joy Flowers Conti  
Joy Flowers Conti  
United States District Court Judge

cc:

Francis X. Caiazza  
U.S. Magistrate Judge

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